

# EXHIBIT D

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses  
**Date:** Thursday, October 10, 2024 at 10:30:36 AM Pacific Daylight Time  
**From:** Ellie Dupler (via NYT-AI-SG-Service list)  
**To:** Briant, Jared B., Scheibel, Elizabeth M.C.,  
openaicopyrightlitigation.lwteam@lw.com, OpenAICopyright@mofo.com,  
NewYorkTimes\_Microsoft\_OHS@orrick.com, kvpoi@keker.com,  
#Microsoft.NYClassAction.FDBR  
**CC:** NYT-AI-SG-Service@simplelists.susmangodfrey.com

**EXTERNAL Email**

Counsel,

As outlined in my August 29th email, we understand that Microsoft is refusing to produce documents in response to The Times's RFP 67, which seeks "documents concerning business development plans, strategic roadmaps, and product development plans related to (i) Defendants' Generative AI Products and Services and (ii) any future products or services in the categories of news, cooking, consumer reviews, and sports." We further understand that Microsoft is producing documents in response to other RFPs that relate to Microsoft Copilot. Can Microsoft please confirm whether its general agreement to produce documents concerning Copilot would encompass documents concerning the [newly announced Copilot Daily](#) feature, or if Microsoft considers Copilot Daily to be a "future product" that falls under RFP 67? We would appreciate a response by no later than Monday, October 14.

Thank you,  
Ellie

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**From:** Ellie Dupler (via NYT-AI-SG-Service list) <NYT-AI-SG-Service@simplelists.susmangodfrey.com>  
**Date:** Monday, October 7, 2024 at 8:49 AM  
**To:** Briant, Jared B. <jared.briant@faegredrinker.com>, Scheibel, Elizabeth M.C. <elizabeth.scheibel@faegredrinker.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, OpenAICopyright@mofo.com <OpenAICopyright@mofo.com>, NewYorkTimes\_Microsoft\_OHS@orrick.com <NewYorkTimes\_Microsoft\_OHS@orrick.com>, kvpoi@keker.com <kvpoi@keker.com>, #Microsoft.NYClassAction.FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>  
**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com <NYT-AI-SG-Service@simplelists.susmangodfrey.com>  
**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**EXTERNAL Email**

Jared,

I am following up a third time regarding Microsoft's supplemental responses to The Times's second RFPs, which Microsoft originally committed to serving by September 9—nearly one month ago. We understand based on our meet and confers in August that the parties are at an impasse on a number of these issues, as outlined in my August 29th email. You responded that Microsoft had "some clarification to the characterizations" in that email. We would appreciate receiving those clarifications by no later than October 8 so that we can consider whether to add those issues on which the parties have reached an impasse to the agenda for the October 30 discovery conference.

Thank you,

Ellie Dupler  
Associate |  
1900 Ave. of the Stars, Ste. 1400  
Los Angeles, CA 90067  
310-789-3107 (o) | 231-649-4283 (c)  
[edupler@susmangodfrey.com](mailto:edupler@susmangodfrey.com)

---

**From:** Briant, Jared B. <jared.briant@faegredrinker.com>  
**Date:** Friday, September 27, 2024 at 9:22 AM  
**To:** Ellie Dupler <EDupler@susmangodfrey.com>, Scheibel, Elizabeth M.C. <elizabeth.scheibel@faegredrinker.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, OpenAICopyright@mofo.com <OpenAICopyright@mofo.com>, NewYorkTimes\_Microsoft\_OHS@orrick.com <NewYorkTimes\_Microsoft\_OHS@orrick.com>, kvpoai@keker.com <kvpoai@keker.com>, #Microsoft.NYClassAction.FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>  
**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com <NYT-AI-SG-Service@simplelists.susmangodfrey.com>  
**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

EXTERNAL Email

Ellie –

Thanks for your email. We are continuing to work to finalize the supplemental responses to The Times' interrogatories and requests for production to Microsoft. As you know, we conferred for multiple hours across multiple days regarding Microsoft's objections and responses to the vast majority of the interrogatories and requests for production that The Times had served on Microsoft to date. We agreed to supplement our responses, consistent with the points we discussed during the call. This process has taken some time, given the number of discovery requests that were encompassed in our multiple meet and confer discussions. While I do not expect that the supplemental responses will be finalized today, they will be served next week as soon as they are finalized, and there is no need for further meet and confer at this time regarding these supplemental responses that we have already agreed to serve and that are in process.

Thanks,

**Jared B. Briant**  
Partner  
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**Faegre Drinker Biddle & Reath LLP**  
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**From:** Ellie Dupler <EDupler@susmangodfrey.com>  
**Sent:** Wednesday, September 25, 2024 9:19 AM

**Sent:** Wednesday, September 25, 2024 9:19 AM

**To:** Briant, Jared B. <jared.briant@faegredrinker.com>; Scheibel, Elizabeth M.C. <elizabeth.scheibel@faegredrinker.com>; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; NewYorkTimes\_Microsoft\_OHS@orrick.com; kvpoi@keker.com; #Microsoft.NYClassAction.FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>  
**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com  
**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**This Message originated outside your organization.**

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Jared, Liz, and team,

Following up here again. Please confirm that Microsoft will serve its supplemental responses and objections by the end of this week, or please provide your availability to meet and confer this week regarding the reason for delay.

Thanks,  
Ellie

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**From:** Ellie Dupler (via NYT-AI-SG-Service list) <NYT-AI-SG-Service@simplelists.susmangodfrey.com>  
**Date:** Tuesday, September 17, 2024 at 11:35 AM  
**To:** Briant, Jared B. <jared.briant@faegredrinker.com>, Scheibel, Elizabeth M.C. <elizabeth.scheibel@faegredrinker.com>, openaicopyrightlitigation.lwteam@lw.com <openaicopyrightlitigation.lwteam@lw.com>, OpenAICopyright@mofo.com <OpenAICopyright@mofo.com>, NewYorkTimes\_Microsoft\_OHS@orrick.com <NewYorkTimes\_Microsoft\_OHS@orrick.com>, kvpoi@keker.com <kvpoi@keker.com>, #Microsoft.NYClassAction.FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>  
**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com <NYT-AI-SG-Service@simplelists.susmangodfrey.com>  
**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

EXTERNAL Email

Jared,

Just following up on this. Please let us know when Microsoft expects to serve its supplemental responses and objections.

Thank you,

Ellie Dupler  
Associate |  
1900 Ave. of the Stars, Ste. 1400  
Los Angeles, CA 90067  
310-789-3107 (o) | 231-649-4283 (c)  
[edupler@susmangodfrey.com](mailto:edupler@susmangodfrey.com)

---

**From:** Briant, Jared B. <jared.briant@faegredrinker.com>  
**Date:** Monday, September 9, 2024 at 4:52 PM  
**To:** Ellie Dupler <EDupler@susmangodfrey.com>, Scheibel, Elizabeth M.C. <elizabeth.scheibel@faegredrinker.com>, openaicopyrightlitigation.lwteam@lw.com

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#Microsoft.NYClassAction.FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>  
**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com <NYT-AI-SG-Service@simplelists.susmangodfrey.com>  
**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

EXTERNAL Email

Ellie –

Thanks for your email below, following up on our meet and confer, we are continuing to work on the supplementation but it is not finalized yet. We anticipate that it should be ready this week, and will serve once ready. We will also have some clarification to the characterizations in the summary below based on the calls that we will forward as well.

Thanks,

**Jared B. Briant**

Partner

[jared.briant@faegredrinker.com](mailto:jared.briant@faegredrinker.com)

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**From:** Ellie Dupler <EDupler@susmangodfrey.com>

**Sent:** Thursday, August 29, 2024 2:08 PM

**To:** Scheibel, Elizabeth M.C. <elizabeth.scheibel@faegredrinker.com>; Briant, Jared B. <jared.briant@faegredrinker.com>; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright@mofo.com; NewYorkTimes\_Microsoft\_OHS@orrick.com; kvpoai@keker.com; #Microsoft.NYClassAction.FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>

**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**This Message originated outside your organization.**

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Counsel,

Thank you for meeting and conferring on August 21 and 26 regarding Microsoft's responses and objections to Interrogatory 5 and The Times's Second Set of Requests for Production. Microsoft represented that it plans to provide supplemental interrogatory and RFP responses in two weeks' time—e.g. by September 9. Please confirm that Microsoft will do so or advise of any changes to that timeline.

We also write to memorialize the parties' agreements as to the specific issues raised in The Times's July 22 letter.

1. Global issues

**2(a)(i) (Training limitation):** Microsoft maintains that its role in model training is limited to fine-tuning and does not believe any responsive documents exist regarding other phases of training. However, the parties are negotiating search terms that will capture all relevant documents related to all phases of training—including pre-training, training, mid-training, fine-tuning, and post-training—and Microsoft will review and produce all responsive documents. Microsoft will not limit its productions based on the issue identified in subpart 2(a)(i) of The Times's July 22 letter.

**2(a)(ii) (Product limitation):** Microsoft is searching for and producing all responsive documents related to both OpenAI's and Microsoft's products. Microsoft will not limit its productions based on the limitation identified in subpart 2(a)(ii) of The Times's July 22 letter.

**2(a)(iii) ("As implemented" limitation):** Microsoft is further investigating what limitation, if any, it intended by use of the phrases "as implemented" or "and implemented in" in its responses to the RFPs identified in subpart 2(a)(iii) of The Times's July 22 letter. Please explain what limitation Microsoft intended to impose by September 9, or confirm that Microsoft intended no limitation.

**2(a)(iv) (Date limitation):** Microsoft is amenable to a later-in-time cut-off date than 12/28/23 and will respond to The Times with a specific proposal as to an appropriate cut-off date. Please provide Microsoft's proposal by September 9.

**2(a)(v) (Duplicative limitation):** Microsoft is standing on this objection only as to RFPs 38 and 45. For the other RFPs identified in subpart 2(a)(v) of The Times's July 22 letter, Microsoft will search for and produce all responsive custodial documents. Microsoft will supplement its response to these RFPs by September 9 to reflect this agreement.

**2(a)(vi) ("Sufficient to show" limitation):** Microsoft agrees to withdraw this limitation as to all RFPs identified in subpart 2(a)(vi) of The Times's July 22 letter in a supplemental response to be served by September 9.

2. Specific RFPs

**RFP 16:** Microsoft will search for and produce all documents responsive to this RFP, including Microsoft's internal communications regarding the issues outlined in this RFP. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 18:** Microsoft maintains that it does not possess any documents regarding the removal of CMI at phases of training other than post-training. However, to the extent that Microsoft has any internal communications or communications with OpenAI regarding this issue, Microsoft will search for and produce those documents. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 22:** Microsoft maintains that it does not have any documents responsive to this request, but to the extent that it locates such documents, it will produce them. The Times will also be permitted to investigate the inclusion of Times works in the training datasets during its data inspection. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 27:** Microsoft will search for and produce all responsive documents related to how robots.txt directives impact data available to GPT models and content available for model responses.

Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 29:** The Times maintains that the requested information is relevant to The Times's copyright claims, as outlined in its July 22 letter. Microsoft is considering The Times's request and will provide The Times with a final answer on whether or not it will search for and produce responsive documents by September 9.

**RFP 31:** Microsoft will not produce documents specifically responsive to this request but will produce all responsive documents containing technical information as provided by RFP 37. The parties are otherwise at an impasse as to this request.

**RFP 35:** Microsoft will search for and produce all documents related to any changes made to Defendants' models and products that are related to the allegations in The Times's complaint. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 37:** Microsoft will search for and produce all responsive technical documents for each sub-part of RFP 37. With respect to red-teaming (sub-part viii) Microsoft will produce documents regarding red-teaming with respect to copyright issues. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 40:** The Times clarified that this request is seeking documents related memorization and regurgitation. Microsoft is considering The Times's request and will prepare a supplemental response confirming whether or not it agrees to produce the requested documents, including all sub-parts, by September 9.

**RFP 41:** Subject to Microsoft's belief that no responsive documents exist, Microsoft will continue its search and will produce all responsive documents that it locates. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 42:** Subject to Microsoft's belief that no responsive documents exist, Microsoft will continue its search and produce all responsive documents other than chat logs that will be made available via The Times's Requests for Inspection. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 45:** Microsoft will not produce documents responsive to this request but will make chat logs available for inspection.

**RFP 46:** The Times maintains that the requested information is relevant to fair use, as outlined in The Times's July 22 letter. Microsoft is considering The Times's request and will provide The Times with a final answer on whether or not it will search for and produce responsive documents by September 9.

**RFP 49:** Microsoft is considering whether to assert work-product privilege over any responsive documents and will confer internally and amend its response accordingly by September 9.

**RFP 51:** Microsoft will search for and produce all documents responsive to each sub-part of this RFP. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 52:** Microsoft does not believe any custodial documents exist that are responsive to this request. However, to the extent that such documents exist, Microsoft will search for and produce them. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 53:** Microsoft will search for and produce all documents responsive to this RFP. Microsoft will prepare a supplemental response confirming this agreement by September 9.



**RFP 54:** Microsoft's response is intended to say that Microsoft will search for and produce all documents "relating to OpenAI's decision to disable Browse with Bing in July 2023." Microsoft will supplement its response to fix this typo by September 9.

**RFP 55:** Microsoft will search for and produce all documents related to public statements by any of its custodians or by "Microsoft itself," by which Microsoft means press releases. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 56:** Microsoft will not produce documents responsive to this request. The parties are at an impasse as to both this request and The Times's Interrogatory #5, which relates to the same underlying issues.

**RFP 58:** The Times maintains that the requested information is relevant to fair use, as outlined in The Times's July 22 letter. To further clarify this request, The Times directs Microsoft to [this Wall Street Journal article](#) and [this NewsGuard report](#) describing the use of Defendants' products for misinformation in greater detail. Microsoft is considering The Times's request and will provide The Times with a final answer on whether or not it will search for and produce responsive documents by September 9.

**RFP 60:** Microsoft will search for and produce all responsive, non-privileged documents responsive to this RFP. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFP 61:** Microsoft will search for and produce all responsive documents responsive to this RFP, including documents concerning licensing and negotiations with content owners other than The Times. Microsoft will prepare a supplemental response confirming this agreement by September 9.

**RFPs 62, 63, 67:** Microsoft will not produce documents responsive to these requests. The parties are at an impasse as to all three requests.

**RFPs 66, 69, 70:** Microsoft is investigating what financial documents it is able to produce and supplement its response by September 9 to confirm that it will produce all requested documents or to clearly state which documents it will not produce.

Thank you,  
Ellie

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**From:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)> on behalf of Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>

**Date:** Thursday, August 22, 2024 at 9:23 AM

**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>, Briant, Jared B. <[jared.briant@faegredrinker.com](mailto:jared.briant@faegredrinker.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses



EXTERNAL Email

Yes, just sent.

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**From:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>  
**Date:** Thursday, August 22, 2024 at 8:05 AM  
**To:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>, Briant, Jared B. <[jared.briant@faegredrinker.com](mailto:jared.briant@faegredrinker.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>  
**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>  
**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

EXTERNAL Email

Ellie-

2:30 ET looks best, would your team circulate meeting information again? Thank you,  
Liz

---

**From:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>  
**Sent:** Wednesday, August 21, 2024 6:54 PM  
**To:** Briant, Jared B. <[jared.briant@faegredrinker.com](mailto:jared.briant@faegredrinker.com)>; Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [kvpoi@keker.com](mailto:kvpoi@keker.com); #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>  
**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)  
**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

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Jared,

We can do any time in that window on Monday.

Thanks,  
Ellie

---

**From:** Briant, Jared B. <[jared.briant@faegredrinker.com](mailto:jared.briant@faegredrinker.com)>  
**Sent:** Wednesday, August 21, 2024 4:04 PM  
**To:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>; Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>; [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>; [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>; [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>; #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>  
**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>  
**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**EXTERNAL Email**

Ellie – Unfortunately those times do not work for me. How about between 2-4pm ET on Monday? I could also be available from 2-4pm ET on Friday.

**Jared B. Briant**

Partner

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**From:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>  
**Sent:** Wednesday, August 21, 2024 1:44 PM  
**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [kvpoi@keker.com](mailto:kvpoi@keker.com); #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>  
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**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

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Counsel,

Thank you for the meet and confer today. The Times is available to continue our conversation regarding Microsoft's responses and objections to the remaining RFPs tomorrow from 2:30-3:30 ET or 4-5pm ET, or Friday before 11am ET.

Please let us know if those times work for you.

Thanks,  
Ellie

---

**From:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)> on behalf of Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>

**Date:** Friday, August 16, 2024 at 8:19 AM

**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**EXTERNAL Email**

Thanks, Liz. I'll send an invite for 2pm ET on 8/21.

Ellie Dupler  
Associate |  
1900 Ave. of the Stars, Ste. 1400  
Los Angeles, CA 90067  
310-789-3107 (o) | 231-649-4283 (c)  
[edupler@susmangodfrey.com](mailto:edupler@susmangodfrey.com)

---

**From:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>

**Date:** Friday, August 16, 2024 at 6:41 AM

**To:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>

**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**EXTERNAL Email**

Ellie-

Anytime within that window on Wednesday works for us. Thank you,  
Liz

---

**From:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>

**Sent:** Thursday, August 15, 2024 8:25 PM

**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [kvpoi@keker.com](mailto:kvpoi@keker.com); #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**This Message originated outside your organization.**

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Liz,

Unfortunately, The Times is no longer available at that time tomorrow. We can do:

- Monday 8/19: 2-3pm ET
- Tuesday 8/20: 11am-12pm ET
- Wednesday 8/21: 2-4:30pm ET

Please let me know at your earliest convenience which of these times works for you, and I will circulate an invite.

Thanks,  
Ellie

---

**From:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>  
**Date:** Thursday, August 15, 2024 at 3:15 PM  
**To:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoai@keker.com](mailto:kvpoai@keker.com) <[kvpoai@keker.com](mailto:kvpoai@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>  
**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>  
**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**EXTERNAL Email**  
Counsel-

We are working on supplementation of interrogatory responses and, in light of our discussion and your clarification regarding information sought in several of the requests, investigating what further information we can provide. We will supplement in a timely manner. We do not here respond to the specific representations in your email about the meet and confer or Microsoft's positions on the interrogatory responses, though we do not thereby concede that any statement is an accurate representation; Microsoft's forthcoming supplementation will speak for itself. Additionally, many of the issues we discussed overlap with issues raised in your letter with respect to The Times' requests for production, about which the parties are still meeting and conferring.

The hit report for the Times' revised search terms counterproposal has been provided. As we shared at the meet and confer, our client was experiencing issues with their system, which delayed our response.

We are available to continue the meet and confer tomorrow at 1pm CT. Thank you,  
Liz

---

**From:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>  
**Sent:** Tuesday, August 13, 2024 8:04 PM  
**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>;  
[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com);  
[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [kvpoai@keker.com](mailto:kvpoai@keker.com); #Microsoft.NYClassAction.FDBR  
<[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>  
**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com  
**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**This Message originated outside your organization.**

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Counsel,

Thank you for meeting and conferring regarding Microsoft's responses and objections to Interrogatories 1, 3, 6, and 7–10 on August 8. We write to memorialize the parties' agreements reached on our call and to schedule another call to discuss the remaining issues raised in The Times's July 22 letter.

At the outset, we note that you told us that Microsoft would be supplementing its responses to several of the interrogatories but could not give us any timeframe by which Microsoft would be doing so. Given that Microsoft has had these interrogatories, many of which simply ask for identification of key individuals, since May 22, and given where we are in the case schedule, we need more clarity on when Microsoft will be supplementing its responses so that we can raise any outstanding issues with the Court promptly. Please confirm that Microsoft will provide its supplemental responses by August 16.

In addition, you acknowledged that Microsoft has failed to provide its hit counts for the Times's search term counterproposal on the timeframe required by the ESI Order and will be providing those hit counts by EOD today.

**Interrogatory #1:** With respect to sub-parts (i) and (ii), Microsoft is still investigating who at Microsoft is knowledgeable about Defendants' Training Datasets, including the existence of Times Content and other copyrighted content therein, and all phases of training of the Text Generation AI Models and will supplement accordingly. With respect to sub-parts (iii) and (iv), the individuals that Microsoft has identified in response to this interrogatory are knowledgeable regarding the full scope of sub-parts (iii) and (iv) of The Times's requests.

**Interrogatory #7:** Microsoft is still investigating the existence of documents regarding the training of the Text Generation AI Models, and whether the models were trained using Times Content, and will amend its response pending the outcome of that investigation.

**Interrogatories #3, 8, and 9:** Microsoft is still investigating the existence of responsive documents and individuals with knowledge as to both Microsoft and OpenAI products. Microsoft will amend its responses to provide the information requested in Interrogatories #8 and #9 as to OpenAI products.

Microsoft is also considering The Times's position that Microsoft's Generative AI Products encompass any Microsoft product built on the models identified in the Complaint or any other model that is trained or fine-tuned using Times content. As the parties also discussed this issue with respect to Microsoft's responses and objections to The Times's first RFPs, please provide Microsoft's final position on this issue by August 16.

**Interrogatory #6:** Microsoft will supplement its response to name individuals with knowledge about Microsoft's practices regarding the storage, organization, preservation, or deletion of documents relevant to this case.

**Interrogatory #10:** Microsoft will complete its investigation of these issues and amend its response to confirm whether Microsoft has knowledge of documentation related to the Training Dataset(s) and the extent to which the Training Datasets include Times Content.

We are available to complete our discussion of the remaining issues on Thursday 8/15 from 2:30-3:30pm ET or Friday 8/16 from 1:30pm ET onward. Please let us know what windows work for you.

Thank you,

Ellie Dupler  
Associate |  
1900 Ave. of the Stars, Ste. 1400  
Los Angeles, CA 90067  
310-789-3107 (o) | 231-649-4283 (c)  
[edupler@susmangodfrey.com](mailto:edupler@susmangodfrey.com)

---

**From:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)> on behalf of Ellie Dupler  
<[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>

**Date:** Monday, August 5, 2024 at 2:41 PM

**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoai@keker.com](mailto:kvpoai@keker.com) <[kvpoai@keker.com](mailto:kvpoai@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

EXTERNAL Email

Liz,

That works for us. Emily is also able to join between 10-11:30am CT.

Thanks,  
Ellie

---



**From:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>

**Date:** Monday, August 5, 2024 at 2:23 PM

**To:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com) <[NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)>

**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**EXTERNAL Email**

Ellie-

In addition to discussing Microsoft's responses to The Times' discovery requests, we would like to discuss The Times' responses to Microsoft's requests. This would pick up the discussion in separate correspondence between the parties, specifically Emily Cronin's July 25 email in response to Microsoft's July 18 letter. Please let us know if this time on Thursday works to meet and confer on these topics as well.

Thank you,  
Liz

---

**From:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>

**Sent:** Monday, August 5, 2024 2:21 PM

**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [kvpoi@keker.com](mailto:kvpoi@keker.com); #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

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---

Liz,

We're available from 10-11:30am CT on Thursday.

Thanks,  
Ellie

---

**From:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>

**Date:** Friday, August 2, 2024 at 3:16 PM

**To:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

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**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

EXTERNAL Email

Ellie-

We are not available on Monday. Given that our evaluation of the issues in The Times' letter is ongoing, and in light of schedule constraints next week, we propose to meet and confer Thursday morning, Aug. 8, between 10am and 1pm CT. Please let us know if there is a time in that window that works for you.

Thank you,  
Liz

---

**From:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>

**Sent:** Thursday, August 1, 2024 1:00 PM

**To:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>; [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [kvpoi@keker.com](mailto:kvpoi@keker.com); #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)

**Subject:** Re: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**This Message originated outside your organization.**

---

Liz,

Please let us know Microsoft's availability to meet and confer regarding these issues on Monday, 8/7.

Thank you,  
Ellie

---

**From:** Scheibel, Elizabeth M.C. <[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)>

**Date:** Monday, July 29, 2024 at 2:01 PM

**To:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>, [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com) <[openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com)>, [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>, [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com) <[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com)>, [kvpoi@keker.com](mailto:kvpoi@keker.com) <[kvpoi@keker.com](mailto:kvpoi@keker.com)>, #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

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**Subject:** RE: NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

**EXTERNAL Email**

Counsel-

We are reviewing your letter and will follow up with correspondence and/or a proposal to meet and confer once we have been able to investigate issues and prepare a response.

Thank you,

Liz

**Elizabeth M.C. Scheibel**

Associate

Pronouns: she/her/hers

[elizabeth.scheibel@faegredrinker.com](mailto:elizabeth.scheibel@faegredrinker.com)

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---

**From:** Ellie Dupler <[EDupler@susmangodfrey.com](mailto:EDupler@susmangodfrey.com)>

**Sent:** Monday, July 22, 2024 1:22 PM

**To:** [openaicopyrightlitigation.lwteam@lw.com](mailto:openaicopyrightlitigation.lwteam@lw.com); [OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com); [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](mailto:NewYorkTimes_Microsoft_OHS@orrick.com); [kvpoi@keker.com](mailto:kvpoi@keker.com); #Microsoft.NYClassAction.FDBR <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>

**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](mailto:NYT-AI-SG-Service@simplelists.susmangodfrey.com)

**Subject:** NYT v. Microsoft, et al. - No 1:23-cv-11195-SHS - Microsoft's Discovery Responses

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---

Counsel,

Please find attached a letter from The Times regarding Microsoft's Responses and Objections to The Times's First Set of Interrogatories and Second Set of Requests for Production.

Best,

Ellie Dupler  
Associate |  
1900 Ave. of the Stars, Ste. 1400  
Los Angeles, CA 90067  
310-789-3107 (o) | 231-649-4283 (c)  
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